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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK
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UNITED STATES OF AMERICA

- against -

MICHAEL FAZIO,

Defendant.

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Filed Under Seal

**AFFIDAVIT AND
COMPLAINT IN SUPPORT
OF AN APPLICATION FOR
AN ARREST WARRANT**

(18 U.S.C. §§ 2252(a)(2) and 2252(b)(1))

Case No. 25-MJ-174

EASTERN DISTRICT OF NEW YORK, SS:

Debra Gerbasi, being duly sworn, deposes and states that she is a Special Agent with the United States Department of Homeland Security, Homeland Security Investigations, duly appointed according to law and acting as such.

Receipt and Distribution of Child Pornography

On or about the dates and times set forth below, within the Eastern District of New York and elsewhere, the defendant MICHAEL FAZIO did knowingly and intentionally receive and distribute one or more visual depictions, to wit: the digital images depicted in the following computer files:

Count	Approximate Date and Time	File Name
ONE	October 16, 2024 at 19:15 UTC	!!11rape.jpg
TWO	October 16, 2024 at 19:15 UTC	!!7yr_gets_licked.jpg
THREE	October 16, 2024 at 19:14 UTC	! # #1 #1 10 year spreads.jpg

using a means and facility of interstate and foreign commerce, which visual depictions had been mailed, and had been shipped and transported in and affecting interstate and foreign commerce, and which contained materials which had been mailed and so shipped and transported, by any

means including by computer, the production of such visual depictions having involved the use of one or more minors engaging in sexually explicit conduct, and such visual depictions were of such conduct.

(Title 18, United States Code, Sections 2252(a)(2) and 2252(b)(1))

The source of your deponent's information and the grounds for her belief are as follows:

1. I am a Special Agent with the United States Department of Homeland Security, Homeland Security Investigations ("HSI"). I have been a Special Agent with HSI, and its predecessor agencies, since 2002, and am currently assigned to the Child Exploitation Investigations Unit ("CEI"). As a Special Agent of HSI-CEI, I investigate criminal violations relating to the sexual exploitation of children, including the illegal production, distribution, transportation, receipt, and possession of child pornography. I have received extensive training regarding the investigation of child exploitation offenses, and have gained expertise in these types of investigations through training in classes and seminars, and through my daily work related to conducting these investigations and assisting in the prosecutions of these offenses. I have been involved in numerous investigations concerning the illegal possession, receipt and distribution of child pornography and child sexual abuse material ("CSAM"), and am familiar with the tactics used by individuals who collect and distribute child pornographic material. As part of my responsibilities, I have reviewed thousands of photographs and videos depicting minors (less than eighteen years of age) being sexually exploited by adults.

2. I am familiar with the facts and circumstances set forth below from my participation in this investigation, including the execution of a search and seizure warrant; from

my review of the investigative file, including the images described herein; and from conversations with and reports of other law enforcement officers involved in the investigation.¹

3. On October 17, 2024, the National Center for Missing and Exploited Children (“NCMEC”)² received a CyberTipline report from Dropbox, Inc. (“Dropbox”),³ which stated, in substance and in relevant part, that on or about October 16, 2024, a certain Dropbox account bearing the screenname “Mike Fazio” – later determined to belong to the defendant, MICHAEL FAZIO, as described further herein – had uploaded three files containing child pornography. I have reviewed these three files, which are digital images, and they are described as follows, in substance and in relevant part:

a. A file entitled “!!1rape.jpg” and info hash value of 357bebc6afca5fe5df6500360e5102e6, which depicts an image of a prepubescent female, approximately 7 to 11 years of age, fully naked and on all fours, who appears as if she is being penetrated from behind by a kneeling adult male. The adult male, who is naked from the waist down and wearing a green shirt, is reaching around the child’s waist with one hand and touching the child about her pubic region.

b. A file titled “!!7yr_gets_licked.jpg” and info hash value of

¹ Because the purpose of this Complaint is to set forth only those facts necessary to establish probable cause to arrest, I have not described all the relevant facts and circumstances of which I am aware.

² NCMEC is a private, non-profit organization founded by Congress in 1984. Among its many functions, NCMEC receives tips regarding missing, abducted or sexually exploited children. NCMEC maintains a “CyberTipline” to receive complaints from Internet service providers, electronic service providers, and others. NCMEC analysts will review CyberTipline reports and forward them to the appropriate law enforcement agency for further investigation.

³ Dropbox is a publicly available Internet platform file hosting service that can be used to store and share electronic files.

c03735a52307425b1b5026ba7ac858a9, which depicts a fully naked adult male lying supine on a bed with his legs up and knees bent, performing oral sex on a fully naked prepubescent female, approximately 7 to 11 years of age, who is sitting on the adult male's chest with her back reclined against the adult male's legs.

c. A file titled “! # #1 #1 10 year spreads.jpg” and info hash value of 4fa5e0ba0874cecfac7783d2d3423b16, which depicts a prepubescent female, approximately 7 to 11 years of age, lying fully naked on her back on the grass, holding her legs up in the air and spread apart with her hands behind her knees, fully exposing her vagina and anus.

4. The Dropbox CyberTipline report also included three Internet Protocol (“IP”) addresses, from which the Dropbox account was accessed on the date and time that each of the three images described above were uploaded. Based on my review of documents and records provided by Verizon, the service provider for these three IP addresses, I have learned, in substance and in relevant part, that the Verizon account is subscribed to the residential address of the defendant MICHAEL FAZIO. Furthermore, based on my review of additional documents and records obtained from Dropbox pertaining to the Dropbox account described above, I have learned, in substance and in relevant part, that the email address associated with the Dropbox account is subscribed to FAZIO.

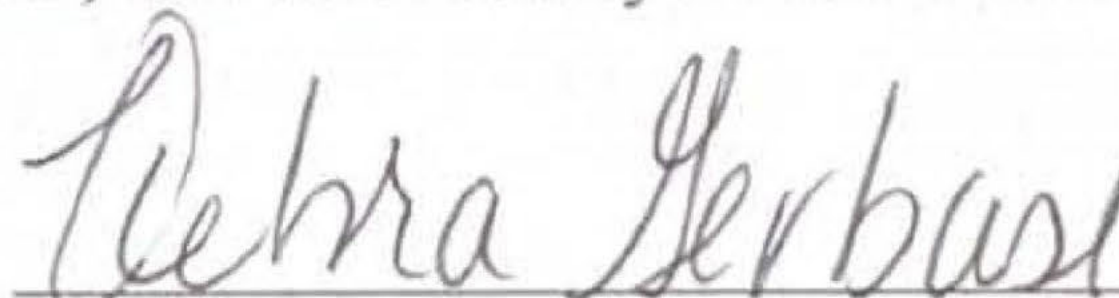
5. On or about April 30, 2025, I and other law enforcement agents and officers executed a judicially-authorized federal search and seizure warrant⁴ on the residence and person of the defendant MICHAEL FAZIO, including any and all electronic devices belonging to FAZIO.

⁴ The warrant was stamped 25-MJ-155, and was authorized by U.S. Magistrate Judge Steven I. Locke on April 28, 2025.

6. After being informed of his Miranda rights, the defendant MICHAEL FAZIO waived his rights and voluntarily spoke to law enforcement. FAZIO told law enforcement, in substance and in relevant part, that the Dropbox account described above belonged to him, and further, admitted to uploading the three digital images containing child pornography (described above) to the Dropbox account.

7. Among the electronic devices seized and search pursuant to the search warrant described above in paragraph 5 was an older cellphone belonging to the defendant MICHAEL FAZIO which was found in the basement of his residence. Law enforcement is still reviewing the contents of this device; however, the review of this cellphone to date has revealed that FAZIO was active in a Kik Messenger chatgroup in which CSAM was distributed and discussed. Over 700 thumbnail images of CSAM contained in this chat have been identified to date in this cellphone.

WHEREFORE, your deponent respectfully requests that an arrest warrant for the defendant MICHAEL FAZIO be issued, and that he may be dealt with according to law.



Debra Gerbasi
Special Agent, United States Department of
Homeland Security, Homeland Security
Investigations

Sworn to me through the transmission of this Affidavit by reliable electronic means, pursuant to Federal Rules of Criminal Procedure 41(d)(3) and 4.1, this 14th day of May 2025

s/ Arlene R. Lindsay

THE HONORABLE ARLENE R. LINDSAY
UNITED STATES MAGISTRATE JUDGE
EASTERN DISTRICT OF NEW YORK